

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Todd B. Becker, Esq., SBN 127567 Garrett M. Brief, Esq., SBN 180907 3750 E. Anaheim St. Suite 100 Long Beach, CA 90804 (562) 495-1500 Fax: (562) 494-8904</p> <p>becker@toddbeckerlaw.com;</p> <p><input checked="" type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without an attorney</p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>DEC 19 2013</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY Mason DEPUTY CLERK</p></div>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</p>	
<p>In re:</p> <p style="text-align: center;">Eddah Kasidi</p> <p style="text-align: center;">Debtor(s).</p>	<p>CASE NO.: 6:13-bk-25150-DS</p> <p>CHAPTER: 13</p> <p>ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]</p> <p>DATE: 12/17/2013 TIME: 1:30pm COURTROOM: 304 PLACE: 3420 Twelfth Street, Riverside, CA 92501</p>

NAME OF CREDITOR HOLDING JUNIOR LIEN: Trinity Financial Services, LLC and First Franklin a Division of National City Bank

1. The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

2. The Motion affects the junior trust deed(s), mortgage(s), or other lien(s) encumbering the following real property ("Subject Property"), which is the principal residence of debtor(s):

Street Address: 1250 Bee Balm Road

Unit Number: _____

City, State, Zip Code: Hemet, CA 92545

Legal description or document recording number (including county of recording): Real Property in the City of Hemet, County of Riverside, State of California, described as follows:

30041 AS SHOWN BY MAP ON FILE IN BOOK 375 PAGES 89 THROUGH 99 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

APN: 460-260-077-6

☐ See attached page.

3. The Subject Property is subject to the following deed(s) of trust, mortgage(s) or other lien(s) in the amounts specified securing the debt against the Subject Property, which will be treated as indicated:

a. **Bank of America** in the amount of \$ 388,068.33.

b. **Trinity Financial Services, LLC and First Franklin a Division of National City Bank**

in the amount of \$ 98,011.06 ☒ is ☐ is not to be avoided;

c. _____ in the amount of \$ _____ ☐ is ☐ is not to be avoided;

☐ See attached page for any additional encumbrance(s).

4. The motion is:

a. ☐ DENIED ☐ with ☐ without prejudice, on the following grounds:

1. ☐ Based upon the findings and conclusions made on the record at the hearing
2. ☐ Unexcused non-appearance by Movant
3. ☐ Lack of proper service
4. ☐ Lack of evidence supporting motion
5. ☐ Other (specify):

b. ☒ GRANTED on the following terms:

- i. The Subject Property is valued at no more than \$ 225,000.00 based on adequate evidence.
- ii. This avoidance of the respondent's junior lien is effective upon: ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge in this case.
- iii. Before the discharge, no payments are to be made on the secured claim of the junior lienholder; maintenance payments are not to be made.
- iv. The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims.
- v. The junior lienholder's claim on the deed of trust, mortgage or lien shall be allowed as a non-priority general unsecured claim in the amount per the filed Proof of Claim. The junior lienholder is not required to, but may file an amended Proof of Claim listing its claim as an unsecured claim to be paid in accordance with the Debtor's chapter 13 plan. If an amended claim is not filed, the Trustee may treat any claim on the debt (secured or unsecured) filed by the junior lienholder as unsecured upon entry of this order
- vi. The avoidance of the junior lienholder's deed of trust, mortgage or lien is contingent upon: ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.
- vii. The junior lienholder shall retain its lien in the junior position for the full amount due under the corresponding note and deed of trust, mortgage or lien in the event of either the dismissal of the Debtor's chapter 13 case, the conversion of the Debtor's chapter 13 case to any other chapter under the Bankruptcy Code, or if the Subject Property is sold or refinanced prior to the Debtor's ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.
- viii. In the event that the holder of the first deed of trust or any senior lien on the Subject Property forecloses on its interest and extinguishes the junior lienholder's lien rights prior to the Debtor's ☒ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge, the junior lienholder's lien shall attach to the proceeds greater than necessary to pay the senior lien, if any, from the foreclosure sale.

ix. ☐ See attached continuation page for additional provisions.

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Date: December 19, 2013

A handwritten signature in black ink, appearing to read 'D. Saltzman', written over a horizontal line.

Deborah J. Saltzman
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)] was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) - Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) 12/18/2013, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Todd B Becker veloz@toddbeckerlaw.com,
trinh@toddbeckerlaw.com; becker@toddbeckerlaw.com; collins@toddbeckerlaw.com; hua@toddbeckerlaw.com
- Rod (DS) Danielson (TR) notice-efile@rodan13.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Debtor
Eddah Kasidi
1250 Bee Balm Road
Hemet, CA 92545

☐ Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☒ Service information continued on attached page

SERVICE LIST

PNC Bank, NA
Attn: CEO
fka First Franklin, a Division of National City Bank of IN
222 Delaware Avenue
Wilmington, DE 19899

TRINITY FINANCIAL SERVICES LLC
c/o DAVID A FLORE Agent for Service of Process
5177 ENGLEWOOD DR
SAN JOSE CA 95129

Trinity Financial Services, LLC
Attn: CEO
2618 San Miguel Drive, #303
Newport Beach, CA 92660

BANK OF AMERICA, NATIONAL ASSOCIATION
C T CORPORATION SYSTEM
818 W SEVENTH ST
LOS ANGELES CA 90017

Bank of America, NA
Attn: Officer
150 N COLLEGE ST, NC1-028-17-06
CHARLOTTE NC 28255

Bank of America, NA
Attn: CEO
100 North Tryon St
Charlotte, NC 28202